

In re) Fair Hearing No. 21,066
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Appeal of)

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit (HAEU), terminating payment for her Medicare Part B premiums under the Medicaid Program.

1. The petitioner is a disabled individual. Petitioner receives Social Security Disability benefits in the amount of \$915.50 per month. Petitioner is also employed part-time and earns \$520.30 per month.

2. The Department had paid the petitioner's Medicare Part B premium but determined that they had erred in making payments. After discovering their error, the Department determined that petitioner's income was above the program maximums under the Specified Low Income Medicare Beneficiaries. The Department sent petitioner a notice dated August 20, 2007 terminating her eligibility for the Medicare Buy-In program.

3. A fair hearing was held on September 27, 2007. The petitioner did not dispute the income figures used by the Department.

4. Petitioner has unearned income in the amount of \$915.50 per month from the Social Security Administration. The Department applied a \$20 disregard leaving countable unearned income of \$895.50 per month. Petitioner has earned income of \$520.30 per month. The Department deducted the \$65 earned income disregard and then halved the remainder leaving countable earned income of \$227.65 per month. In all, petitioner has countable monthly income of \$1,123.15 which is in excess of the monthly program maximum of \$1,021 for a household of one.

5. Petitioner can reapply for the Medicare cost-sharing program if her situation changes.

ORDER

The Department's decision to terminate Medicare cost-sharing is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for an individual's Medicare Part B premium if certain criteria are met. M200.4. In particular, the individual's income cannot exceed 120 percent of the federal poverty level or \$1,021 per month. M200.43, P-2420B(2).

The Department correctly calculated the petitioner's countable income during review of her case and found that petitioner's countable income exceeded the program maximum. Thus, the Department was correct in terminating payment for the Medicare premium. As a result, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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